IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 564 of 2004

Narendra Bahadur Saxena
S/o Ram Chander
R/o H.No. 12/534
Mohalla Ram Nagar Roorkee
Police Station - Gang Naher Roorkee
District - Haridwar .....Applicant

Versus

1. State of Uttaranchal

2. Civil Judge Junior Division, Roorkee

3. Israr Ahmed
S/o Wahid Hasan
R/o H.No. 439 Mohalla Purani Tehsil
Roorkee, P.S. Gang Nahar, Roorkee
District - Haridwar .....Opp. Parties

Sri Pawan Kumar, Sri K.C. Tiwari, Sri Tanuj Semwal, learned counsels for the applicant
Sri G.S. Sandhu, learned counsel for the State

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr.P.C. has been filed by the applicant Narendra Bahadur Saxena against the opposite party no. 3 Israr Ahmed on the ground that the allegation made in the complaint does not make out any case against the petitioner. It has also been submitted that the petitioner has no concern with the firm M/s Golden Forest Ltd.

Heard learned counsel for the petitioner and learned A.G.A. and perused the record.

It appears that the order summoning the petitioner to face the trial under the provision of section 420 I.P.C. and 138 Negotiable Instruments Act was passed on 19.04.2003. The case is in progress since thereafter.

Learned counsel for the petitioner could not show me as to what miscarriage of justice is being caused to him. I do not find any flagrant injustice or serious abuse of process

of court in this case. Learned counsel for the petitioner also could not show that any mandatory provision of law has not been followed by the court below.

The contention raised by the learned counsel for the petitioner relates to the question of fact which can be assessed and examined by the court below when the evidence is adduced over there.

At this stage, I do not find any force in this petition.

The petition is accordingly dismissed.

(B.C. Kandpal, J.)

12th April, 2005
Shiv